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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

POSTAL RATE COMMISSION

BOROUGH OF THROOP,
Complainant

vs.

UNITED STATES POSTAL SERVICE, :
Defendant

Docket No.: C99-5

COMPLAINT OF THROOP BOROUGH

Complainant, BOROUGH OF THROOP, by LOUIS A. CIMINI, Complainant's Attorney alleges:

1. Complainant's full name is THROOP BOROUGH, a Municipal Corporation organized and existing under the laws of the Commonwealth of Pennsylvania with a business address of Sanderson and Charles Streets, Throop, Lackawanna County, Pennsylvania, 18512 and is authorized to receive service on behalf of Complainant of any document relating to this proceeding.

2. This proceeding is brought pursuant to 39 U.S.C.A. § 3662 and 39 CFR § 3001.81 et seq., in which Complainant contends that the Defendant is rendering services not in conformity with policies set forth in the Postal Reorganization Act.

3. Complainant requested that the Defendant permit the use of an exclusive zip code for Complainant which is currently served by **Dunmore**, Pennsylvania 18512 and Olyphant, Pennsylvania 18447.

4. The existing zip codes do not accommodate the service needs of Complainant.

5. Due to confusion caused by the existing zip code situation, mail has been unduly delayed because it is being received in other communities such as Scranton, **Dunmore**, Blakely, Dickson City and Olyphant which have some of the same street names as Throop.

6. Incorrect emergency vehicles have been summoned in time of need because of the confusion caused by the zip code problem, such as **Dunmore** or other communities being called because callers were lead to believe that the emergency was in a community other than Throop.

7. Residence of Throop have registered complaints that they are not receiving tax forms from the Internal Revenue Service and the State of Pennsylvania because of the zip code confusion.

8. The United States Postal Service itself has misidentified mail destined for Throop by using other community names in its own customer satisfaction survey.

9. Upon receiving the 1999 census, it appears the zip code problem has caused Throop's population to be understated.

10. Driver's licenses and other important documents mis-states scores of Throop's residence identification causing extreme hardship for law enforcement and other governmental agencies.

11. Critical correspondence being mailed by colleges, national business firms, federal and state governments and scores of other agencies label their mail to Throop with another local community due to the zip code situation that has created a multitude of problems and delays.

12. The Borough of Throop is a first-class Borough, despite correspondence from operations program support, U.S. Postal **Service**, which refers to Throop as a township. The Borough is a heavily populated urban area that contains a school districts secondary and elementary centers, two industrial parks, a sewer authority servicing the entire County, and a landfill with hundreds of trucks locally, state wide and out of state arriving daily.

13. A change was requested by the Complainant to resolve a number of service related issues resulting in mail being delivered to towns and Boroughs other than Throop, Pennsylvania.

14. Defendant agreed to grant Complainant's request if Throop residents supported the change by a simple majority vote.

15. Charles R. Filbey, Manager, Harrisburg, Pennsylvania, Customer Service, prepared a letter to be mailed to Throop residents to vote on the zip code issue.

16. Of the 1,196 responses, 1,054 households indicated that they wanted an exclusive zip code while only 142 voted "no." .

17. Despite the largest plurality ever recorded in Borough voting, the United States Postal Service denied Throop and exclusive zip code of 18511 despite earlier representations that a simple majority would be needed to grant an exclusive zip code to the Complainant.

18. Complainant is aggrieved by the mentioned conduct of the Defendant in that

it is greatly impaired and damaged by the inefficiency and unreliability of delivery of mail provided by the Defendant.

19. The above-mentioned conduct fails to conform with the policy set forth in the Postal Reorganization Act in that it does not support Defendant's mission statement to provide customers best possible service violating the requirements of 39 U.S.A. §101 (a) of "prompt, reliable, and efficient service to patrons in all areas."

20. The residents of Throop are all similarly effected by the matter complained of.

21. A business located within the Borough of Throop was able to obtain an exclusive zip code for its mail while the rest of the Borough was denied its request.

WHEREFORE, Complainant requests that the Postal Rate Commission enter a decision and report recommending that THE BOROUGH OF THROOP be granted the exclusive zip code of 1851 1

Respectfully submitted,

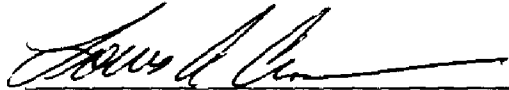
A handwritten signature in black ink, appearing to read "Louis A. Cimini", is written over a horizontal line.

LOUIS A. CIMINI, ESQUIRE
Solicitor for the Borough of Throop

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507 Linden Street
Scranton, PA 18503
(570) 346-0745

CERTIFICATE OF SERVICE

I, LOUIS A. CIMINI, certify that I have this 12th day of July, 1999 served the foregoing Complaint, in accordance with 39 CFR §3001.12 by United States First Class Mail, postage pre-paid on the following individual(s):

A handwritten signature in dark ink, appearing to read "Louis A. Cimini", is written over a horizontal line.

LOUIS A. CIMINI, ESQUIRE
Solicitor for the Borough of Throop

VERIFICATION

I, JAMES **BARNICK**, depose and say that I am the President of the Throop Borough Council and that the facts set forth in the foregoing COMPLAINT are true and correct to the best of my knowledge information and belief.



~~J~~AMES **BARNICK**, PRESIDENT